

Application No. 09/467,851
Amendment "B" dated October 7, 2004
Reply to Office Action mailed July 8, 2004

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the courtesies extended to Applicants' representatives during the interview held on August 10, 2004. The proposed claim amendments and remarks made herein are consistent with the proposals and discussions presented during the interview.

In the latest Office Action, mailed July 8, 2004, the Examiner considered claims 1-22 and rejected them under 35 U.S.C. § 102(c) as being unpatentable over the Advanced Television Enhancement Forum Specification (ATVEF).¹ The Examiner cited the ATVEF reference for the proposition that a receiver can either be connected to a remote information store, and execute both disconnected-content and connected-content triggers, or disconnected from a remote information store, and execute disconnected-content triggers but ignore connected-content triggers.²

By this paper, claims 1 and 4-22 have been cancelled, claims 2 and 3 have been amended, and new claims 23-48 have been added,³ such that claims 2-3 and 23-46 remain pending, of which claims 23, 36, 39 and 42 comprise the independent claims at issue (claim 23 being directed to a method, claim 36 being directed to a corresponding device, claim 37 being directed to a corresponding system and claim 39 being directed to a corresponding computer program product).

Each of the new independent claims incorporates elements relating to the filtering and execution of triggers in an interactive television system. In particular, each of the claims generally includes a receiver that filters triggers in a manner consistent with its customizable connection status, which indicates whether the receiver is connected to or disconnected from a remote information store; operates on a connectivity value associated with each trigger; and does not execute a connected-content trigger when the receiver is disconnected, but does not ignore

¹ Applicants note that the ATVEF reference qualifies as prior art, if at all, as 102(a) art and not 102(c) art. Accordingly, Applicants reserve the right to swear behind and challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² The Examiner also cited the ATVEF reference for the proposition that "proper trigger syntax" is synonymous with having a value indicating whether a trigger is associated with connected or disconnected content. Applicants respectfully disagree. ATVEF nowhere discloses any element of a trigger used to indicate whether the content associated with a trigger is connected or disconnected. *See infra* note 4.

³ Support in the specification for the new claims includes, but is not limited to, the disclosure found on pages 4, 13-14, and in the original claims.

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the trigger either. For example, the receiver may execute the connected-content trigger at a later time when the receiver is connected.

As discussed during the interview, the ATVEF reference fails to disclose a receiver that functions in the claimed manner. First, the reference does not specify that a receiver may assume different states, namely, that the receiver can be customized to operate differently when connected to or disconnected from a remote information store. Second, the reference does not disclose how a receiver operates on a trigger, let alone whether it operates on a connectivity value associated with a trigger.⁴ Finally, the reference neither teaches nor suggests a receiver that does not ignore a connected-content trigger, but does not immediately execute the trigger either. Instead, the ATVEF reference merely identifies different types of receivers, such as disconnected receivers that ignore connected-content triggers or connected receivers that support connected-content triggers. The ATVEF reference also discloses receivers that can support both connected and disconnected-content triggers "simultaneously."⁵

Accordingly, contrary to the pending claims, the ATVEF reference fails to suggest any type of receiver that accepts content-connected triggers while in a disconnected state. In fact, the ATVEF reference appears to suggest just the opposite, by clarifying that connected-content triggers are ignored by receivers that are disconnected, as discussed during the interview, and as reflected in the Interview Summary.

Accordingly, inasmuch as the art of record fails to anticipate or obviate the unique combination of recited claim elements, Applicants respectfully submits that the pending claims should now be found allowable over the art of record. As discussed during the interview, and as reflected in the interview summary, the Examiner also felt that the new independent claims would overcome the rejections of record.

⁴ Applicants' use of a connectivity value in the trigger itself, with one value for connected-content triggers and another value for disconnected-content triggers, is nowhere taught nor suggested in the ATVEF reference. ATVEF states that attribute/value pairs are optional elements of a trigger. ATVEF § 1.1.5, at 7. Although the reference defines the format of certain attribute/value pairs, it does not define an attribute/value pair for indicating whether a trigger corresponds to connected or disconnected content. See ATVEF § 1.1.5, at 7-8. The closest ATVEF teaching along these lines is the requirement of the "[tve:1.0]" attribute/value pair for connected-content triggers. See ATVEF § 2.1, at 10-11. This pair is required for connected-content triggers, but is optional for disconnected-content triggers. *Id.* Thus the ATVEF discloses a difference between the two types of triggers. However, this difference teaches away from the method used by Applicants to distinguish between the two trigger types because both types of trigger can be set to the same value (i.e., 1.0) and still be distinguished. See *id.*

⁵ ATVEF § 2.3, at 12.

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Accordingly, for at least the foregoing reasons, Applicants respectfully submit that all of the pending claims (2-3 and 23-48) are now in condition for prompt allowance. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 8 day of October 2004.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant

Customer No. 47973

RDN:JCJ:cm
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